

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOEL THOMAS TOLER,

Plaintiff,

v.

PAUL GOSPODARCZYK, et al.,

Defendants.

Case No. 19-cv-05810-HSG

**ORDER TO SHOW CAUSE WHY
MOTION SHOULD NOT BE
GRANTED**

Re: Dkt. No. 4


On October 25, 2019, Defendants filed a motion to dismiss. Dkt. No. 4. To date, Plaintiff has not filed his opposition, which was due by November 8, 2019.

In general, an opposition must be filed and served “not more than 14 days after the motion was filed.” L.R. 7-3(a). The Court may interpret a failure to oppose a motion as a concession that the motion should be granted. *See GN Resound A/S v. Callpod, Inc.*, No. C 11-04673 SBA, 2013 WL 1190651, at *5 (N.D. Cal. Mar. 21, 2013) (construing plaintiff’s failure to oppose defendant’s argument as a concession of said argument); *see also Marziano v. Cty of Marin*, No. C-10-2740 EMC, 2010 WL 38955258, at *4 (N.D. Cal. Oct. 4, 2010) (interpreting plaintiff’s failure to oppose defendant’s motion to dismiss as a concession that the claim at issue should be dismissed).

Because Plaintiff failed to oppose Defendants’ motion within the mandated period of 14 days, the Court may, in its discretion, grant Defendants’ motion. *See Marziano*, 2010 WL 38955258, at *4. The Court thus **ORDERS** Plaintiff to show cause by November 21, 2019 why Defendants’ motion should not be granted in light of Plaintiff’s failure to oppose the motion.

IT IS SO ORDERED.

Dated: 11/14/2019


HAYWOOD S. GILLIAM, JR.
United States District Judge